IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.1059 OF 2006

Shri Rajaram R. Salunkhe and ors. ...Appellants

v/s

Shri Yashwant K. Salunkhe and anr. ...Respondents

Mr Dilip Bodke for Appellants.

Mr A.B. Vagyani for Respondents.

CORAM : D.K. DESHMUKH J.

DATE : 20TH JULY 2007.

P.C. :-

1. Both the Courts below have concurrently held that the original plaintiffs are the owners of the land and are also in possession. The only submission made before me was that the sanad granted shows that the defendant Nos.1 to 9 are owners. According to the learned counsel appearing for appellants, the Civil Court could not have made declaration of the same. The jurisdiction of the Court to make declaration of title of immovable property can be only taken away by expressed statutory provisions. There is no such express statutory provision pointed out. Therefore, it is obvious that the Civil Court has jurisdiction to declare title. The Civil Court is right in declaring the title. I do not find any illegality in the order impugned. Second appeal is rejected.

. Parties to act on the copy of this order duly authenticated by the Sheristedar / Private Secretary as true copy.

. Certified copy expedited.